

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 1:08CR052-P-D**

**PHILLIP MINGA,**

**DEFENDANT.**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant's sixth motion to continue trial [34]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for August 10, 2009. Defense counsel requests a continuance to afford more time to allow the defendant's principal expert witness to testify at trial. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from August 10, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED AND ADJUDGED that:**

- (1) Defendant's fourth motion for continuance [34] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, September 18, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from August 10, 2009 to September 28, 2009 is excluded from Speedy Trial

Act considerations as set out above;

(4) The deadline for filing pretrial motions is September 7, 2009; and

(5) The deadline for submitting a plea agreement is September 14, 2009.

**SO ORDERED** this the 14<sup>th</sup> day of July, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE